

REMARKS

This Amendment is in response to the Non-Final Office Action mailed on February 23, 2009, for the present application, which has been reviewed. The present claims considered together with the following remarks, the arguments below and request for reconsideration are believed sufficient to place the application into condition for allowance. No new matter has been added to the application. Claim 19 has been canceled without prejudice. Claims 1, 2, 3, 10, 12, 18, 20 and 23 have been amended without adding any new matter. Claims 41 and 42 have been added without adding any new matter. Applicants express appreciation for the thoughtful examination by the Examiner.

The present invention is a computer program for monitoring select Internet activities of a user of a selected computer to which the program is installed. The program acts as a voluntary monitoring program configured to monitor multiple Internet access activities, such as web browsing, file sharing programs, news groups, chat rooms, peer to peer chats, file transfer protocols, e-mails sent and received, and the like.

Rejection of Claims 1-20, 29-35 and 40 Under 35 U.S.C. §102 Should Be Withdrawn

The present Office Action rejects claims 1-20, 29-35 and 40 as being anticipated by Onoe et al. (U.S. Patent No. 5,951,642). Applicants respectfully traverse this rejection and request favorable reconsideration and withdrawal of this rejection. Further, Applicants submit this rejection is rendered moot by the following comments.

The standard for a rejection under 35 U.S.C. §102 is established in M.P.E.P. §2131. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. If an independent claim is allowable under 35 U.S.C. §102, then any claim depending therefrom is also allowable.

Applicants respectfully submit that the Onoe reference fails to either expressly or inherently describe each limitation as recited in the claims. Specifically, with respect to amended claim 1, Onoe fails to describe or suggest “wherein said remote server includes a processing program configured to assign a score to each said recorded Internet access activity,” as recited. Support for this amendment can be found in claim 3 of the present invention as filed. Additional support is provided at least in paragraph 0029 of Applicants’ specification as filed. In rejecting claim 3, the Examiner suggests that Onoe describes a score assigned to each said Internet activity citing to the time and frequency disclosed in Onoe (Office Action, pg. 4). Applicants however, respectfully submit that the time and frequency described in Onoe cannot be equated with the score as recited in claim 1.

That is, Onoe describes “statistically process[ing] the contents of the viewing information as to the address and the length of viewing time which has been stored in the database” (Onoe, 7:47-50), and based on the processing of the information arrives at “calculations of such as the grand total of the total access time and total access frequencies by the genders of the viewer, the age groups of the viewer and the geographic regions of the viewer” (Onoe, 7: 50-54). As such, it is clear that the time and frequency referred to by the Examiner are in fact information collected by the information collection client program of Onoe (Onoe, 7: 6-13) and are not assigned to the “Internet access activity” as a result of processing the Internet access activity.

Furthermore, the calculations that are derived as a result of processing this data, i.e., grand total of the total access time and total access frequencies by the genders of the viewer, the age groups of the viewer and the geographic regions of the viewer, are not assigned “to each said recorded Internet access activity” and instead are a total value for all of the activity (see for example Onoe, 7:55-65). As such, Onoe fails to describe or suggest at least “a processing program configured to assign a score to each said recorded Internet access activity” as recited in claim 1.

Furthermore, with respect to amended independent claim 18, Onoe fails to describe or suggest "recording said Internet access activity on a first database located within a remote server, processing said recorded Internet access activity; and transferring said recorded Internet access activity to a second database" as recited. The limitation currently amended into claim 18 was previously recited in claim 19 which is currently canceled. In rejecting claim 19 (which is rejected under the same ground as claims 9 and 10) the Examiner suggests that Onoe discloses a first database and second database, because Onoe describes "program collects the information of the information viewer and transmits the viewing information to the database of the information collector's server 3," equated with the first database, and "information processing agent statistically processes the collected information and statistically processed data is put into chart form and provided to the information provider," equated with the second database (Office Action, pg. 6). However, the Examiner has equated the reports generated and provided to the information provider with generating a report and providing the report to the third party recipient as recited in claims 4, 10, 13 and 20 (see Office Action, pg. 4, 6 and 7).

Applicant respectfully submits that the same element in the prior art cannot be equated with two different elements in the claims. Furthermore, Applicants submit that the reports may not be equated with the transferring of said recorded Internet access activity to a second database as recited in claim 18 because the report in Onoe does not include the recorded Internet access activity, and instead, includes calculations "such as grand total of the total access time and total access frequencies" (Onoe, 7:51-52) or other information such as Access Time, Number of Accesses, Top 3 Ages, Top 3 genders, sent to the information provider in Onoe, which are different than the original information collected by the information collection client program which the Examiner has equated with the Internet access activity as recited in claim 18 (Office Action, pg. 3). As such, Applicants respectfully submit that Onoe fails to anticipate claim 18.

As to claim 29, Applicants respectfully submit that Onoe also fails to describe each limitation as recited in this claim, and more specifically fails to disclose a "report includes a plurality of portions each of said plurality of portions contains a list of said recorded Internet access activity of one of said Internet protocols, and wherein said portions further include a computer link to connect to another portion of said report." The Examiner in rejecting claim 29 (rejected for similar reasons as claims 1, 7 and 8), sites to col. 8, lines 35-65 of Onoe asserting that Onoe describes a report that includes at least one portion, and said portion includes at least one link to at least one other portion. The cited portion depicts a report as disclosed by Onoe, however, the report does not include any links to any other portion of the report. That is, Onoe fails to describe "wherein said portions further include a computer link to connect to another portion of said report". Therefore, Onoe fails to describe or suggest each limitation as recited in claim 29.

As to claim 34, Applicants submit that for reasons discussed above with respect to claim 29 this claim is also in condition for allowance and respectfully requests such allowance.

As to the rejection of claims 2-17, 20, 30-33, 35 and 40, Applicants submit that they depend from claims which are believed to be in condition for allowance.

Rejection of Claims 21-28 and 36-39 under 35 U.S.C. §103 Should Be Withdrawn

The present action rejects claims 21-28 and 36-39 under 35 U.S.C. §103(a) as being unpatentable over Onoe et al. in view of Linden et al. (U.S. Patent No. 6,912,505). Applicants respectfully traverse this rejection and request favorable reconsideration and withdrawal of this rejection. Further, Applicants submit this rejection is rendered moot by the foregoing and following comments.

Applicants submit that claims 21-28 and 36-39 depend from claims which are believed to be in condition for allowance. Furthermore, Linden also fails to describe or suggest the

limitations which are lacking from the Onoe reference. As such, these claims are not rendered obvious by the proposed combination.

Rejection of Claims 1-4, 9-13 and 18-22 under 35 U.S.C. §103 Should Be Withdrawn

The present action rejects claims 1-4, 9-13 and 18-22 under 35 U.S.C. §103(a) as being unpatentable over Fleming III (U.S. Patent No. 6,230,204) in view of Chang et al. (U.S. Patent No. 2004/0158630). Applicants respectfully traverse this rejection and request favorable reconsideration and withdrawal of this rejection. Further, Applicants submit this rejection is rendered moot by the foregoing and following comments.

Applicant initially notes that Fleming generally provides a system for monitoring documents of interests and does not provide a system for monitoring Internet use. That is, although Fleming describes that the document of interest may be a computer website on the World Wide Web, the system of Fleming does not describe an Internet use monitoring program similar to the monitoring program described in the present application as claimed. This is also clear from the background which states "It is useful to know the total usage of a computer system resource." As such, the Fleming reference fails to describe or suggest monitoring Internet use as recited, and instead describes monitoring the use of a selected document of interest and "estimating the total usage of computer system resources by all users with access to those resources."

More specifically as to claim 1, Applicants respectfully submit that the proposed combination fails to describe or suggest a monitoring program, as described above, and further a monitoring program voluntarily installed thereon by the computer user. The Examiner asserts that Fleming describes this limitation; however, Fleming does not disclose that the program is voluntarily loaded by a computer user. Instead, Fleming describes that after selecting sample users based on their demographic information, the analyzer component "identifies the computer

system used by the user and loads a copy of the stored Monitor Component software onto the user's computer" (Fleming, 9:4-9). As such, Fleming does not describe a monitoring program voluntarily installed by the computer user as recited.

Furthermore, Fleming also fails to describe or suggest a processing program configured to assign a score to each said recorded Internet access activity as recited. The Examiner asserts that Fleming discloses this limitation equating the limitation to the rate describe in the Abstract and col. 3, lines 1-5 of Fleming (Office Action, pg. 12). Applicants respectfully disagree with the contention that the rate in Fleming can be equated to assigning a score to each said Internet access activity. Fleming describes a system in which an "Analyzer component 132 receives monitored resource usage information from a Monitor Component . . . combines this usage information . . . and uses the combined usage information to estimate the total usage of accessible documents with access to them." Next, "[t]he estimated total resource usage information . . . can be used to rate the monitored resource" (Fleming, col. 10: 11-12).

Initially, Applicants point out that Fleming does not describe monitoring Internet access activity, and instead monitors the usage of a document of interest which has been preselected. Second, the rate disclosed in Fleming is different than a score as recited, because the rate refers to the usage of the document as measured and does not describe a score assigned to the Internet usage activity. That is, the rate is for the overall usage of the document of interest by all of the users, as estimated, and is not a score assigned to each of the Internet access activities of a computer user of a computer as recited in claim 1. As such, Fleming fails to describe or suggest each limitation as recited in at least claim 1.

Furthermore, as to claim 18 described above, Fleming fails to describe or suggest a monitoring program configured to monitor Internet access activity of said user, and further fails to describe or suggest a user voluntarily installing such monitoring program (see discussion above with regard to claim 1).

Additionally, Chang also fails to describe or suggest each of the limitations that are not disclosed by Fleming. As such, the proposed combination fails to render claims 1 and 18 obvious.

As to the rejection of claims 2-4, 9-13 and 19-22, Applicants submit that they depend from claims which are believed to be in condition for allowance.

New Claims 41 and 42 are Allowable in view of the Cited Prior Art

New claims 41 and 42 have been added without adding any new matter. Support for these new claims may be found at least in paragraph 0029 of Applicants' specification as filed. Applicants respectfully submit that neither of the above cited references describe or suggest the limitations recited in new claims 41 and 42.

As to claim 41, Applicant submits that the above cited references fail to describe or suggest assigning a score to each said recorded Internet access activity wherein said score provides an indication of whether said Internet access activity is considered an objectionable activity. Applicants submit that neither Onoe nor Fleming describe a score that provides an indication as recited. That is, neither reference describes or suggests monitoring Internet access activity in order to provide the user with an indication of objectionable Internet activity. Onoe describes a system for acquiring detailed information based on the result of statistical processing of the condition of the activities of information for viewers to improve upon the information viewed on the Internet (see Onoe, abstract). Therefore, Onoe is not concerned with the nature of the individual Internet activity and further with whether Internet activity is objectionable. Further, Fleming also does not suggest a score that provides an indication as recited. Fleming is directed to a system for estimating the total usage of computer system resources by all users with access to those resources performed in such a way that desired demographic information is available and computer users are not deterred from using the

resource by the usage estimation techniques (see Fleming, abstract). As such, Fleming is similarly not concerned with monitoring whether each Internet access activity by a user is objectionable. Furthermore, Linden and Chang also fail to describe or suggest a score providing an indication of whether said Internet access activity is an objectionable activity. As such, new claim 41 is allowable in view of the cited references.

As to new claim 42, Applicants submit that it depends from claim 1 which is believed to be in condition for allowance.

CONCLUSION

Examiner noted that the prior art of record was considered pertinent to Applicants' disclosure. Applicants have reviewed the prior art of record and submit it does not adversely bear on the patentability of the pending claims.

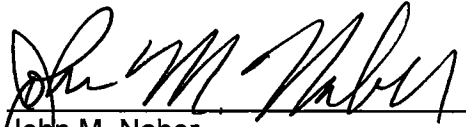
In light of the foregoing, Applicants respectfully submit they have addressed each and every item presented by the Examiner in this Office Action. Favorable reconsideration of all of the claims as amended is earnestly solicited. Applicants submit that the present application, with remarks disclosed herein, is in a condition for allowance and respectfully request such allowance.

In the event any further matters requiring attention are noted by Examiner or in the event that prosecution of this application can otherwise be advanced thereby, a telephone call to Applicants' undersigned representative at the number shown below is invited.

The Patent Office is authorized to charge any fee deficiency or refund any excess to Deposit Account No. 06-1135.

Respectfully submitted,

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